



Rep. Frances Ann Hurley

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09800HB4092ham001

LRB098 15650 RLC 58087 a

1 AMENDMENT TO HOUSE BILL 4092

2 AMENDMENT NO. _____. Amend House Bill 4092 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 12-2 as follows:

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

8 (a) Offense based on location of conduct. A person commits
9 aggravated assault when he or she commits an assault against an
10 individual who is on or about a public way, public property, a
11 public place of accommodation or amusement, or a sports venue.

12 (b) Offense based on status of victim. A person commits
13 aggravated assault when, in committing an assault, he or she
14 knows the individual assaulted to be any of the following:

15 (1) A physically handicapped person or a person 60
16 years of age or older and the assault is without legal

1 justification.

2 (2) A teacher or school employee upon school grounds or
3 grounds adjacent to a school or in any part of a building
4 used for school purposes.

5 (3) A park district employee upon park grounds or
6 grounds adjacent to a park or in any part of a building
7 used for park purposes.

8 (4) A peace officer, ~~community policing volunteer,~~
9 fireman, or ~~private security officer, emergency management~~
10 ~~worker, emergency medical technician, or utility worker:~~

11 (i) performing his or her official duties;

12 (ii) assaulted to prevent performance of his or her
13 official duties; or

14 (iii) assaulted in retaliation for performing his
15 or her official duties.

16 (4.5) A community policing volunteer, private security
17 officer, emergency management worker, or utility worker:

18 (i) performing his or her official duties;

19 (ii) assaulted to prevent performance of his or her
20 official duties; or

21 (iii) assaulted in retaliation for performing his
22 or her official duties.

23 (5) A correctional officer or probation officer:

24 (i) performing his or her official duties;

25 (ii) assaulted to prevent performance of his or her
26 official duties; or

1 (iii) assaulted in retaliation for performing his
2 or her official duties.

3 (6) A correctional institution employee, a county
4 juvenile detention center employee who provides direct and
5 continuous supervision of residents of a juvenile
6 detention center, including a county juvenile detention
7 center employee who supervises recreational activity for
8 residents of a juvenile detention center, or a Department
9 of Human Services employee, Department of Human Services
10 officer, or employee of a subcontractor of the Department
11 of Human Services supervising or controlling sexually
12 dangerous persons or sexually violent persons:

13 (i) performing his or her official duties;

14 (ii) assaulted to prevent performance of his or her
15 official duties; or

16 (iii) assaulted in retaliation for performing his
17 or her official duties.

18 (7) An employee of the State of Illinois, a municipal
19 corporation therein, or a political subdivision thereof,
20 performing his or her official duties.

21 (8) A transit employee performing his or her official
22 duties, or a transit passenger.

23 (9) A sports official or coach actively participating
24 in any level of athletic competition within a sports venue,
25 on an indoor playing field or outdoor playing field, or
26 within the immediate vicinity of such a facility or field.

1 (10) A person authorized to serve process under Section
2 2-202 of the Code of Civil Procedure or a special process
3 server appointed by the circuit court, while that
4 individual is in the performance of his or her duties as a
5 process server.

6 (c) Offense based on use of firearm, device, or motor
7 vehicle. A person commits aggravated assault when, in
8 committing an assault, he or she does any of the following:

9 (1) Uses a deadly weapon, an air rifle as defined in
10 the Air Rifle Act, or any device manufactured and designed
11 to be substantially similar in appearance to a firearm,
12 other than by discharging a firearm.

13 (2) Discharges a firearm, other than from a motor
14 vehicle.

15 (3) Discharges a firearm from a motor vehicle.

16 (4) Wears a hood, robe, or mask to conceal his or her
17 identity.

18 (5) Knowingly and without lawful justification shines
19 or flashes a laser gun sight or other laser device attached
20 to a firearm, or used in concert with a firearm, so that
21 the laser beam strikes near or in the immediate vicinity of
22 any person.

23 (6) Uses a firearm, other than by discharging the
24 firearm, against a peace officer, community policing
25 volunteer, fireman, private security officer, emergency
26 management worker, emergency medical technician, employee

1 of a police department, employee of a sheriff's department,
2 or traffic control municipal employee:

3 (i) performing his or her official duties;

4 (ii) assaulted to prevent performance of his or her
5 official duties; or

6 (iii) assaulted in retaliation for performing his
7 or her official duties.

8 (7) Without justification operates a motor vehicle in a
9 manner which places a person, other than a person listed in
10 subdivision (b) (4), in reasonable apprehension of being
11 struck by the moving motor vehicle.

12 (8) Without justification operates a motor vehicle in a
13 manner which places a person listed in subdivision (b) (4),
14 in reasonable apprehension of being struck by the moving
15 motor vehicle.

16 (9) Knowingly video or audio records the offense with
17 the intent to disseminate the recording.

18 (d) Sentence. Aggravated assault as defined in subdivision
19 (a), (b) (1), (b) (2), (b) (3), (b) (4.5), ~~(b) (4)~~, (b) (7), (b) (8),
20 (b) (9), (c) (1), (c) (4), or (c) (9) is a Class A misdemeanor,
21 except that aggravated assault as defined in subdivision
22 (b) (4.5) ~~(b) (4)~~ and (b) (7) is a Class 4 felony if a Category I,
23 Category II, or Category III weapon is used in the commission
24 of the assault. Aggravated assault as defined in subdivision
25 (b) (4), (b) (5), (b) (6), (b) (10), (c) (2), (c) (5), (c) (6), or
26 (c) (7) is a Class 4 felony. Aggravated assault as defined in

1 subdivision (c) (3) or (c) (8) is a Class 3 felony.

2 (e) For the purposes of this Section, "Category I weapon",
3 "Category II weapon, and "Category III weapon" have the
4 meanings ascribed to those terms in Section 33A-1 of this Code.

5 (Source: P.A. 97-225, eff. 7-28-11; 97-313, eff. 1-1-12;
6 97-333, eff. 8-12-11; 97-1109, eff. 1-1-13; 98-385, eff.
7 1-1-14.)".